

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEREMIAH CLINE,

Plaintiff,

v.

DARPA, et al.,

Defendant.

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Case No. CIV-21-416-SLP

ORDER

Before the Court is the Report and Recommendation (R&R) [Doc. No. 8] of United States Magistrate Judge Gary M. Purcell. Judge Purcell recommends dismissal of Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1915A(a) and 1915(e)(2)(B).


Plaintiff alleges that he is a “civilly committed detainee” and purports to bring an action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). Compl., Sections I and II. Plaintiff alleges he is subject to torture from “antigravity aircraft” and “artificial intelligence brain mapping thru a program.” *Id.*, Claims I and II.

Judge Purcell advised Plaintiff that any objections to the R&R were due by June 24, 2021 and that a failure to timely object would waive appellate review of the recommended ruling. Plaintiff has failed to timely file any objections to the R&R or request an extension of time within which to do so. Plaintiff has filed three “letters” to Judge Purcell, *see* Doc. Nos. 9-11]. Even if the Court were to construe the letters as an objection to the R&R, they fail to provide any adequate basis upon which to challenge the findings of Judge Purcell.

Upon review, the Court agrees with Judge Purcell that dismissal of the Complaint is proper. “A complaint is frivolous under § 1915 when ‘it lacks an arguable basis either in law or fact.’” *Tucker v. United States Court of Appeals for Tenth Circuit*, 815 F. App’x 292, 293 (10th Cir. 2020) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)). Plaintiff’s allegations are devoid of any reference to the applicable law upon which his claims are brought. And Plaintiff’s factual allegations are frivolous and otherwise wholly insufficient to support any plausible claims for relief.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is ADOPTED and the Complaint is DISMISSED WITHOUT PREJUDICE. A separate judgment of dismissal shall be entered contemporaneously with this Order.

IT IS SO ORDERED this 8th day of July, 2021.


SCOTT L. PALK
UNITED STATES DISTRICT JUDGE